

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
MONTGOMERY DIVISION**

**JEROME W. GRIFFIN, for
himself and all others similarly
situated,**

Plaintiffs,

V.

**ALABAMA GAS
CORPORATION,**

Defendant.

**CIVIL ACTION NO.
2:06-cv-365-MEF**

AFFIDAVIT OF KATHERINE A. JACKSON

STATE OF ALABAMA)
COUNTY OF MONTGOMERY)

Before me, this undersigned authority, personally appeared Katherine A. Jackson, who is known to me and being duly sworn, deposes and says as follows:

1. My name is Katherine A. Jackson. I have a Ph.D. in Industrial and Organizational Psychology, and my expertise is in the field of job analysis and test development and validation. I am one of the Principals for Omega Consulting. The matters in this affidavit are based on my personal knowledge.

2. Sometime in late 2003, Alabama Gas enlisted Omega Consulting to do a job analysis and organizational survey of the Operations Supervisor position. This was conducted beginning in December 2003 and completed in April 2004.

with a supervisory review in May 2004. Following that process, Alabama Gas management requested that Omega Consulting develop a selection procedure for this position and then later asked for behavioral competencies for this position. The selection procedures were developed during the months of September through December 2004. The behavioral competencies were developed in May and June 2005.

3. The ultimate purpose of the job analysis study was the development and validation of selection procedures for the Operations Supervisor position.

4. According to the *Uniform Guidelines*, a selection instrument may be defended on the basis of its job-relatedness if evidence of criterion-related validity, construct validity, or content validity can be presented. Criterion-related validation involves the statistical comparison of scores on a selection procedure with some measure of performance, a criterion or multiple criteria. Criterion-related validation studies require very large sample sizes, which made it an inappropriate model at Alabama Gas since the candidate and incumbent pools for the position of Operations Supervisor were not large enough for a criterion-related validation study.

5. Construct validation involves an intricate process of multiple research studies, culminating in a number of criterion-related validity studies. Because of the complexity of the data needed to establish that a construct is required for job

success and to show that the instrument measures that construct, this method is used less frequently than other validation approaches. This approach was also not technically feasible at Alabama Gas due to the same requirement needed for a criterion-related validity study.

6. In Alabama Gas' current setting, content validation was judged as the most appropriate and technically feasible approach for the development and/or use of the interview. Selection procedures developed in accordance with a content validation model require careful job analysis and procedure development. The job analysis study resulted in the identification of the Operations Supervisor's job content domain of work behaviors, tasks, knowledges, skills, and abilities (KSAs) and physical abilities (PAs) important for effective job performance.

7. Omega analysts first reviewed Alabama Gas' existing job descriptions and organizational charts. After acquiring a basic familiarity with the Operations Supervisor position through background research, Omega consultants visited a number of Operations Supervisor incumbents at their work sites. A diverse group of incumbents, identified as subject matter experts ("SMEs"), was selected to expose analysts to incumbents in a variety of assignments and provide a comprehensive picture of the Operations Supervisor's position within the organization. Fifteen site observations were conducted representing eleven

different locations and all work assignment areas. The site observation incumbents also were diverse with respect to race and gender.

8. Following the individual interviews, Omega consultants conducted group interviews to collect more detailed information concerning the work activities required of incumbents employed in the target classifications and to identify the KSAs necessary for the performance of those work activities. In the group interview sessions, the goal was to develop a comprehensive picture of the Operations Supervisor job. During the group interviews, consultants developed and defined the job content domain through the pooled judgments of the SMEs working under the supervision of Omega consultants. Fourteen SMEs were invited to participate in the group interview sessions. Of those, 13 participated in both days of the two-day group interview.

9. Each group interview began with an introduction to job analysis and an orientation to the purpose of the session. Next, SMEs were referred to a *Job Analysis Guide* for instructions on “brainstorming” to provide an exhaustive listing of the general duties performed by persons in their positions; SMEs were asked to present these duties in short, two to three word phrases consisting of an action verb and an object of the verb. After brainstorming, analysts identified broader work behavior statements from the brainstorm list and asked SMEs to generate the tasks comprising those work behaviors. After task statements were generated for each

work behavior, the SMEs were asked to develop work behavior definitions which provide necessary details about the performance of tasks comprising a work behavior. After the work behavior definitions were developed, the analysts asked SMEs to brainstorm for the KSAs needed to perform their job duties.

10. Following both sessions, Omega consultants combined and refined the representation of the content domain by using their professional judgment to revise and clarify the work behavior, task, and KSA lists. Thereafter, the work behavior, task, KSA, and PA lists resulting from the job analysis session were used to create a Job Analysis Questionnaire (JAQ), which was administered to 33 respondents at five sessions conducted on March 17, 18 (two sessions), 19, and 26, 2004. Respondents were asked to respond to demographic information in section 1 of the questionnaire such as race, gender, assignment, and job tenure. Respondents then completed the JAQ by responding to information about duties performed and KSAs needed to perform the job. In addition, they had the task of linking work behaviors to KSAs, by identifying how important each KSA is in performing each work behavior. Omega consultants attempted to have all Alabama Gas' Operations Supervisors who had been in the position for at least six months complete a JAQ. Thirty-three of the 35 SMEs completed the JAQ, which required approximately five hours.

11. Responses from the JAQ participants concerning the work behaviors, tasks, KSAs and PAs were entered into the computer and then analyzed to identify the job content domain. After the data were statistically analyzed, the results were presented at a Technical Advisory Committee meeting on May 12, 2004, at the Southern Operations Center in Pelham. This was done to ensure, to the extent possible, that the final outcome of the job analysis was representative of the job. The Technical Advisory Committee included managers and supervisors of the Operations Supervisor position.

12. Subsequently, Omega consultants recommended to Alabama Gas that the Hogan Personality Inventory ("the HPI") be used as an initial screening mechanism. The HPI is an instrument designed to predict occupational success based on the Five-Factor Model of personality. It is a business-related measure of personality. It has been normed on more than half a million working adults. It is included as one component of the selection process for a number of positions at Alabama Gas. The primary support for its use is based on two types of validation efforts - validity transportability and validity generalization. Its support comes from the similarity between the Alabama Gas jobs and jobs for which Hogan Assessment Systems has extensive criterion-related validity data and through specific information about the Alabama Gas job and the type of worker characteristics that improve performance in those specific jobs. The inventory has

a history of no adverse impact. The inventory was developed by the Hogan Assessment Systems. The researchers at Hogan Assessment Systems conducted the validation studies for the Operations Supervisor position using the extensive database of information from other organizations and Alabama Gas-specific job analysis information Omega consultants provided to Hogan Assessment Systems.

13. Cut-off scores applied to the HPI ensure that every candidate interviewed by Alabama Gas' supervisors would have demonstrated, at least at a minimal level, adequate scores on the adjustment, conscientiousness, and ambition scales. Characteristics comprising these three HPI scale areas were judged to be important to this position by individuals familiar with the Operations Supervisor position (e.g., incumbents, supervisors) and through criterion-related validity evidence from individuals in similar positions in other organizations. Candidates who successfully completed the HPI would then advance to the Structured Interview and Additional Skills & Experience Assessment, which are the most time-intensive parts of the process, and which would serve as the final piece of information used to make an employment decision.

14. The HPI measures dimensions important to performing well as an Operations Supervisor. A candidate who is not conscientious about the work, who does not demonstrate initiative, or demonstrates poor adjustment in response to difficult customers, crisis work situations, changing work processes or

environments, or unexpected events is not well-suited for the Operations Supervisor position. This job requires that Operations Supervisors handle difficult customers and situations with tact and a calm approach. The job demands attention to detail and conscientiousness. Without these abilities, the Operations Supervisor can make serious errors in judgments regarding technical situations and provide inaccurate information to employees. Those individuals most successful in such a situation demonstrate initiative and are results-focused and self-assured. The KSAs necessary to work in these situations lend themselves to measurement through the HPI. The use of such a procedure is supported by the job analysis and information provided by SMEs and supervisors. Based on the research conducted on the HPI, it is likely to have no adverse impact, but great predictive value and validity.

15. The structured interview was considered an important step in the selection process. The structured interview was designed to measure many important KSAs. Specifically, the interview allows a candidate to demonstrate problem analysis and decision making skills, oral communications skills, interpersonal skills, supervision ability, management ability, and technical knowledge and skills, in addition to other important KSAs. The interview allows the supervisor, for whom the candidate will be working, the opportunity to meet with the candidate prior to making a job offer and to assess his/her job-related

skills during this meeting. Based on the research conducted on the structured interview, it is likely that this interview will have no adverse impact, but great predictive value and validity.

16. Although no adverse impact calculations were feasible at the time Omega consultants prepared the report for Alabama Gas, the history of adverse impact for the procedures included in this process leads one to predict little or no adverse impact for these procedures. Of course, it is well-recognized that the validity of any test depends on how it is developed, administered, and used. The procedures developed for Operations Supervisor contain several steps which reflect an effort to reduce potential adverse impact against protected groups while maintaining the content validity of the procedures. Major features of the present interview that constituted explicit efforts to minimize potential adverse impact included: (1) all general structured interview questions were reviewed and edited by a psychologist who examined each item for language level to ensure the language was not confusing nor too high of a reading level; (2) all interview questions were reviewed and rated by panels of SMEs that were representative with respect to race and gender; (3) no interview questions were rated as "biased" by any of the SMEs; (4) the interview questions are highly structured, employing objective response standards and based solely upon KSAs needed for job success, thereby enhancing inter-rater reliability and minimizing rater bias; and (5) an

assessor training program and manual were presented to all individuals administering and evaluating the structured interview. Procedures for standardized administration were emphasized.

17. The object of a sound selection or promotion system is to identify persons who have the KSAs to perform the job. When identifying the most appropriate selection or promotion procedures for a specific position, it is important to consider a number of issues, two of which are validity and adverse impact. The interviews developed for the Alabama Gas Corporation position are what the literature refers to as *structured interviews*. In the cumulative research of structured interviews, researchers almost conclusively recommend the use of a structured as opposed to unstructured interview format for maximizing the validity of the employment interview. The structured interviewing process is advantageous to an unstructured format in that it can reduce interviewer rating bias by reducing the subjectivity of the evaluation process. In the current setting, the following steps were taken to minimize adverse impact and maximize validity of the structured interview:

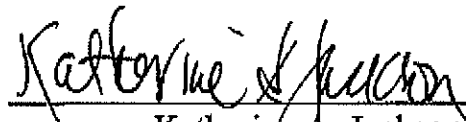
- The structured interviews were developed based on a thorough job analysis of the position. The job analysis identified the KSAs that are necessary for those entering the job to possess on day one.
- The structured interviews were designed by SMEs in the jobs under the guidance of the test developers.
- The structured interviews were designed to evaluate the candidate based on the KSAs important for entry-level performance.

- The structured interviews were developed with a *high* level of structure as described in the literature. The level of structure employed is characterized by standardization of questions and standardization of response-scoring. This means that candidates in a given selection pool receive the same questions. Interviewers do not modify those questions or ask follow-up questions. Additionally, interviewers use standard response scoring guidelines to evaluate the candidates. Thus, all candidates are presented the same questions and evaluated using the same criteria. This creates a standardized process across candidates and reduces the opportunity for candidates to be treated differently.
- SMEs reviewed the interview questions and provided content validity ratings, linking each question with the relevant KSAs measured by that question. Additionally, the SMEs provided information to document that the interview questions (1) are job related, (2) are not biased, and (3) distinguish among levels of performance or competence. Supervisors reviewed the questions and scoring guidelines to ensure they were appropriate and complete.
- Training sessions (5-7 hours) were conducted for all prospective interviewers. Those invited to be interviewers included individuals familiar with the position in question who were at or above that level in the organization. All interviewers participated in a training session that provided an overview of the development and purpose of the interview as well as an in-depth review of the interview and scoring guidelines, the interview administration process, and the interview evaluation process. All interviewers were required to practice and demonstrate an understanding of the evaluation process. The sessions were led by the test developer. The session administrator discussed common rating biases and how to eliminate those biases.
- Candidates were interviewed by a panel of two or more interviewers (typically three or four) depending on the position. As instructed during the Interviewer Training Session, interviewers independently evaluate the candidate and then reveal their scores and discuss behavior that led them to the scores (if differences of greater than one point exist on any question rating). Consensus is

not required. However, the process itself is so highly structured and the rating guidelines are so specific that consensus is common.

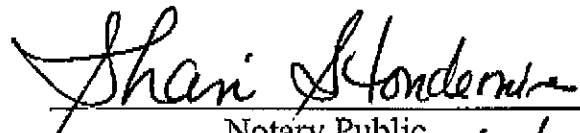
18. The structured interview process places the focus on the candidate's abilities rather than other characteristics not related to the performance of the job. The structured interviews have content validity, but also high face validity in that they tend to "look like the job." Structured interviews do not tend to have adverse impact against any racial or gender group.

19. The foregoing affidavit consisting of 12 pages is true and correct to the best of my knowledge.


Katherine A. Jackson

ACKNOWLEDGMENT

SWORN TO AND SUBSCRIBED TO BEFORE ME, this 3rd day of October, 2006.


Notary Public
My commission expires: 7/18/2010

Notary Seal